

MAY 06 2004

OFFICIAL

PATENT

=Practitioner's Docket No. DOW-8544-CJ

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Lai, Shih- Yaw, et al.

Application No.: 10/727,970

Group No.: 1713

Filed: 12/04/2003

Examiner: Roberto Rabago

For: Elastic Substantially Linear Olefin Polymers

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

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TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION (37 C.F.R. Section 1.321(c))

Identification of Person(s) Making This Disclaimer

I, Alan E. Wagner, represent that I am the attorney of record.

EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is in the whole of this invention.

DISCLAIMER

(Obviousness-Type Double Patenting Rejection Over A Prior Patent)

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of Patent Nos. 6,737,484; 5,525,695; 5,380,810; 6,534,612; 6,136,937 and 5,783,638 as presently shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of the patent forming the basis of the double patenting

RAB/230301.1

(Terminal Disclaimer to Obviate a Double Patenting Rejection—page 1 of 2)

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